

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

**GUILLERMO
TORRES-ACEVEDO,**

Plaintiff,

**9:21-cv-52
(GLS/ATB)**

v.

C.O. BLAIR,

Defendant.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

Guillermo Torres-Acevedo
Pro Se
20-B-0756
Marcy Correctional Facility
P.O. Box 3600
Marcy, NY 13403

FOR THE DEFENDANT:

HON. LETITIA JAMES
New York Attorney General
The Capitol
Albany, NY 12224

BRENDA T BADDAM
Assistant Attorney General

**Gary L. Sharpe
Senior District Judge**

ORDER

On October 27, 2021, the court ordered plaintiff *pro se* Guillermo Torres-Acevedo to notify the court, by November 10, 2021, of his current

address or verify that his mailing address is as listed in the caption of this Order and file any objections to Magistrate Judge Andrew T. Baxter's Report-Recommendation. (Dkt. No. 22.) The court warned Torres-Acevedo that his failure to comply with the order would result in dismissal, and a copy of the order was sent to plaintiff's last known address. (*Id.* at 5.) Torres-Acevedo has failed to comply with the October 27, 2021 Order. Accordingly, it is hereby

ORDERED that this action is **DISMISSED** for plaintiff's failure to notify the court of his address change, for failure to prosecute, and failure to comply with the court's October 27, 2021 Order; and it is further

ORDERED that, upon review for clear error, the Report-Recommendation (Dkt. No. 20) is **ADOPTED** in its entirety ; and it is further

ORDERED that defendant's motion for summary judgment (Dkt. No. 15) is **GRANTED** and the complaint is **DISMISSED** with prejudice for failure to exhaust as to Torres-Acevedo's Eighth Amendment excessive force claims; and it is further

ORDERED that defendant's motion to dismiss (Dkt. No. 15) is **GRANTED** and the complaint is **DISMISSED** without prejudice and without leave to amend for lack of subject matter jurisdiction as to Torres-

Acevedo's state law claims; and it is further

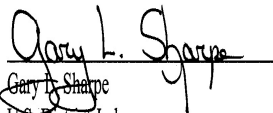
ORDERED that the complaint (Dkt. No. 1) is **DISMISSED** in its entirety as set forth above; and it is further

ORDERED that the Clerk close this case; and it is further

ORDERED that the Clerk serve this Order on Torres-Acevedo at his last known address and on all other parties in accordance with the Local Rules of Practice.

IT IS SO ORDERED.

November 15, 2021
Albany, New York


Gary L. Sharpe
U.S. District Judge